

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAKISHA JOHNSON,

Plaintiff,

vs.

LAWRENCE NATHAN ASSOCIATES, INC.,
and MICHAEL D. MAZUR

Defendants.

Case No. 2:17-cv-01069-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Motion to Enlarge Time for Service and Request for Order to Serve by Publication (ECF No. 5), filed on July 11, 2017.

Pursuant to Fed. R. Civ. P. 6(b) and LR 6, extensions of time may be granted for good cause shown. Further, Rule 4(m) of the Federal Rules of Civil Procedure – which governs the time limit of service – allows the court to grant an extension of time for service if the plaintiff can show good cause for his failure to timely serve a defendant. Rule 4(e) of the Federal Rules of Civil Procedure provides that the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999).

Plaintiff requests an extension of time to serve Defendant Michael D. Mazur and permission to serve by publication. Plaintiff asserts she has demonstrated due diligence by making five separate attempts to serve Defendant at his last known office address, 2355 Red Rock Street, Suite

1 100, Las Vegas, NV 89146, with no success. Further, Plaintiff attempted to serve Defendant at a
2 California address thought to be under his name, but the individual living at the address was not the
3 Defendant. *See* ECF No. 5-5. The Court, therefore, finds that Plaintiff has provided sufficient
4 good cause to warrant a 90 day extension of time to serve and service by publication. Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Time to Serve (ECF No.
6 5) is **granted**. Plaintiff shall have until **October 19, 2017** to effectuate service on Defendant
7 Michael D. Mazur.

8 **IT IS FURTHER ORDERED** that Plaintiff's request to serve Defendant by publication is
9 **granted** as follows:

- 10 1. Defendant Mazur may be served through publication of the summons and cross-
11 claim in this case at least once a week for four (4) consecutive weeks in a newspaper
12 of general circulation.

13 DATED this 19th day of July, 2017.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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